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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,784	08/22/2000	Minoru Arimura	43890-432	2433

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EXAMINER	
CHOW, CHARLES CHIANG	
ART UNIT	**PAPER NUMBER**
2685	9

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/642,784	ARIMURA ET AL.	
	Examiner	Art Unit	
	Charles Chow	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Office Action for
Applicant's Amendment
Received on 10/6/2003

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1, 7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crisp (US 6,282,436 B1) in view of Johnson et al. (US 2002/0132,633).

Regarding **claim 1**, Crisp teaches a portable telephone apparatus (figure in cover page) having a slide cover sleeve 3 (figure in cover page, col. 2, lines 27-36). Crip's cover has similar function of the flip lid, for covering the surface of the telephone device with changing position.

Crisp teaches a portable telephone apparatus comprising a radio circuit section for transmitting and receiving a signal to/from a radio base station; and a radio control circuit for controlling said radio circuit section (the microprocessor 7 in Fig. 2, as the radio control circuit for controlling the radio circuit, transceiver 7 to/from the base station, col. 3, lines 31-35).

Crisp teaches a radio control circuit section changes a responding method for responding to an incoming call when opening the flip lid is determined based on a detection result by said flip lid state detecting circuit (the slide cover is open for using key 11a to answering the

incoming call, and using multiple-purpose key 16 for answering incoming call when slide cover is detected to be closed, col. 4, lines 15-43, for changing the responding method for responding to an incoming call when detecting the slide cover changes the position). Further, Crisp teaches the usage of any key to answering the incoming call when slide cover is open (col. 6, line 63 to col. 7, line 15).

Crisp does not clearly teach the flip lid, and the circuit for detecting an opening/closing state of the flip lid, although Crisp discloses the detection circuit for the sliding cover's position (in col. 3, line 53 to col. 4, line 19; and the method shown in Fig. 4-12).
Johnson teaches the circuit for detecting the positions of the cover 2, having the guide rail, such that the call answering method can be changed based on the position of cover 2 (abstract, summary of invention). Johnson teaches the cover 2 of the radiotelephone is in closed position and using button 6 for manually answering incoming call, and when cover 2 is in extended position, the incoming call is automatically answered by sliding the cover 2 outwards (abstract, [0036, 0038]). Johnson teaches the efficiently technique for answering incoming call by with the sliding cover extended (background of invention, summary of invention). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Crisp to Johnson's cover 2 position for changing the manually answering of the incoming call to automatic answering the incoming, such that the portable telephone could efficiently answer incoming call automatically.

Regarding **claim 7**, Crisp teaches the control circuit section changes the responding method for responding the incoming call, using key 11a or key 16, depending upon the position of the slide cover, as shown above. Crisp teaches the answering of incoming call from pressing the predetermined key 11a to a plurality of predetermined key which is the any key could answering the incoming call when slide cover is open (as shown above in col. 6, line 63 to col. 7, line 15).

Regarding **claim 9**, a changing method of a responding, Johnson has shown above for the changing method of responding to answering call based on the flip cover and detecting of the flip cover's position for determining an opening/closing state.

2. Claims 2, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crisp in view of Phillips (US 5,987,311).

Crisp does not clearly teach the antenna state detecting circuit and the changes a responding method for responding to an incoming call based on antenna detection.

Regarding **claim 2,** Phillips teaches a portable cellular telephone (abstract) having the antenna detection circuit (figure in cover page) for detecting an extending/contraction state of the extensible antenna (col. 4, lines 15-43) for enabling/disabling keypad 16 for answering call. Phillips teaches the changes of a responding method for responding incoming based upon the detected antenna position (as shown in col. 6, lines 53-58, the incoming telephone call will be answered by extending the antenna to the extending state). Further, Phillips teaches the software could be configured for answering call when the antenna's position is

changed, does not matter with the antenna's position is at extended or closed position (col. 5, lines 27-31). Phillips provides the solution for conveniently answering the incoming call based on the antenna position (col. 1, line 55 to col. 2, line 66), and using software, such that user could efficiently answer the incoming call. Phillips teaches the software for configuring to answering incoming call based upon antenna's position change such that the portable telephone could efficiently answer the incoming call by changing the antenna's position. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Crisp, and to include Phillips' software for configuring to answering incoming call based upon antenna's position change, such that the portable telephone could efficiently answering the incoming call by changing the antenna's position.

Regarding a radio circuit for transmitting and receiving a signal to/from a radio base station, and a radio control circuit section for controlling said radio circuit; referring to examiner's comment in claim 1 above, from Crisp.

Regarding **claim 10**, the changing method of a responding, referring to examiner's comment in claim 2 above, Johnson teaches the changing method of a responding to answering incoming call.

3. Claims 3, 8, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crisp in view of Johnson, and further in view of Paterson et al. (US 5,557,653).

Crisp and Johnson do not teach clearly the earphone.

Regarding **claim 3,** Paterson teaches a radio circuit section for transmitting and receiving (Rx 109, Tx 108, in figure of cover page). Paterson teaches a radio control circuit for controlling the radio circuit section (the microprocessor 121 as shown in figure of cover page). Paterson teaches a plug detecting circuit for detecting a state of putting a plug into the earphone jack (111, figure in cover page, col. 4, lines 21-27) for detecting the insertion of the headset 102, to allow user to answer call without touching the wireless telephone (col. 2, lines 53-59). Paterson teaches the radio control circuit section changes a responding method for responding to an incoming call when putting the plug is determined based on detection result by said plug detecting circuit (the detecting of headset is inserted for selectively enabling headset speaker 116, and selectively enabling handset's speaker 106 when headset is not plugged in the jacket 111; figure in cover page and Fig. 3, steps 302, 304, 316, 505, 315 for the method of changing a responding to answering the incoming call based on the presence or absence of the headset 102's speaker 116, earphone). Paterson provides the solution for allows user to answering call using headset, and monitoring of the presence/absence of the headset detection result (abstract), such that the user could answer call without touching the telephone device (shown above, in col. 2, lines 53-59). Paterson teaches the user for answering call using headset, such that the user could simply answer call without touching the telephone device, by using the headset. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention, essentially if not obvious, to modify and include Paterson's allowing user to answering call using headset, to Crisp as modified above, such that the user could simply answer call without touching the telephone device, by using

the headset. Regarding transmitting or receiving signal to/from a radio base station, referring to Crisp above in claim 1.

Regarding **claim 8**, Paterson has taught above the automatic responding method for answering of incoming call without touching the wireless telephone, for the changing method from manual responding in Crisp using key 11a or key 16, to automatic responding in Paterson. Besides, Phillips has shown the extending of the antenna would automatically answering incoming call.

Regarding **claim 11**, Johnson has taught above the changing method for responding method, and Paterson has taught (steps in Fig. 3) the headset 102, earphone, for changing the method for answering the incoming call based on the detected plugged in state of the headset at jack 111.

4. Claims 4, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crisp-'436 B1 in view of Phillips-'311, and further in view of Paterson-'653.

Regarding **claim 4,** Phillips has taught above the antenna state detecting circuit for detecting an extension/contraction state of the antenna for changing a responding method for responding to an incoming call based on the detected antenna position, such that the user could conveniently answer the incoming call.

Paterson, has taught a plug detecting circuit for headset, earphone, for changing a responding method for responding to an incoming call by putting the plug to the jack 111. As shown above, Paterson provides the solution for allows user to answering call using headset, and

monitoring of the presence/absence of the headset detection result (abstract), such that the user could answer call without touching the telephone device (shown above, in col. 2, lines 53-59). Paterson teaches user for answering call using headset, to Phillips, such that the user could simply answer call without touching the telephone device, by using the headset. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Phillips, and to include Paterson's allowing user to answering call using headset, such that the user could simply answer call without touching the telephone device, by using the headset.

Regarding transmitting or receiving signal to/from a radio base station, referring to Crisp above in claim 1.

Regarding **claim 12,** Phillips has taught above the answering call based on the antenna position. Paterson has shown above for the changing method, as shown in his figure of cover page, steps in Fig. 3, for the changing the responding based upon the antenna extension and the putting the plug in jack for earphone.

5. Claims 5, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crisp-'436 B1 in view of Paterson-'653 and further in view of Phillips-'311.

Regarding **claim 5,** Phillips, has shown above, teaches the antenna freely loaded, unload, for responding to detected antenna position for answering call, for changing the responding method by configuring the software to answer the incoming call, as shown above.

Paterson teaches a plug detecting circuit for headset, earphone, for changing a responding method for responding to an incoming call by putting the plug to the jack 111. As shown above, Paterson provides the solution for allows user to answering call using headset, and monitoring of the presence/absence of the headset detection result (abstract), such that the user could answer call without touching the telephone device (shown above, in col. 2, lines 53-59). Paterson teaches user to answering call using headset, to Phillips, such that the user could simply answer call without touching the telephone device, by using the headset. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Phillips, and to include Paterson's allowing user to answering call using headset, such that the user could simply answer call without touching the telephone device, by using the headset.

Regarding transmitting or receiving signal to/from a radio base station, referring to Crisp above in claim 1.

Regarding **claim 13**, Phillips has taught above the antenna's positions for the changing method of a responding to incoming call is performed.

6. Claims 6, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crisp-'436 B1 in view of Johnson, and further in view of Ulveland (US 6,215,993 B1).

Regarding **claim 6,** Ulveland teaches a timer used for releasing the changed responding method after a predetermined time (in col. 5, lines 18-35; for the automatically answering incoming call after the preview timer is expired and user has not press any key input yet, for

previewing of the caller's ID, col. 2, lines 1-18, Fig. 1, 2, 6, 7). The user can activate preprogrammed responding key during the preview time period, for changing the answering method as shown in col. 2, line 14-18; col. 5, lines 28-35). Ulveland provides the techniques for answering incoming call with predetermined preview time for allow user verifying caller's ID, for pressing preprogrammed key for answering incoming call. Ulveland teaches the system can be upgraded for incoming call security, by allowing a previewing period for caller's ID for selectively answering incoming call with preprogrammed key. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention, essentially if not obvious, to modify Crisp as modified above, and to include Ulveland's answering incoming call with predetermined preview timer for allowing user to verify caller's ID, and pressing pre-programmed key for answering call, such that the system could be upgraded for incoming call security, by allowing a previewing period for caller's ID for selectively answering incoming call with preprogrammed key.

Regarding **claim 14**, Ulvelan has taught above in claim 1, the changing method for releasing the changed responding after the timer expires. Ulveland has explained the method in his steps in Fig. 6, 7 for the changing method of using the previewing timer for caller ID for answering call.

Regarding **claim 15**, a changing method from pressing a predetermined specific key to plurality of any keys, Crisp has explained the changing method by using the specific key 11a, the any keys, for answering incoming call in the specifications and figures.

Regarding **claim 16**, a changing method from manual responding to automatic responding, Paterson has shown above the automatic responding method for answering of incoming call without touching the wireless telephone, for the changing method from manual automatic. Ulveland also teaches the manual responding by pressing pre-programmed key before timer expiring, and the automatic responding incoming call if no key being pressed after timer expired.

Response to Arguments

7. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's argument for the no teachings for the flip-lid position, and the changing of the responding method of the incoming call, from a first manual method to a second automatic responding method, the grounds of rejection has been changed by replacing Kim- '984 B1 with Johnson et al. (US 2002/0132,633 A1). Johnson et al. ("Johnson") teaches the radiotelephone having cover 2 for manually answering incoming call using button 6 when cover 2 is in closed position, and when cover 2 is in extended position, the incoming call is automatically answered by sliding the cover 2 outwards (abstract, [0036, 0038]). Johnson teaches the efficiently technique for answering incoming call by with the sliding cover extended (background of invention, summary of invention).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (703)-306-5615.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Edward Urban, can be reached at (703)-305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Charles Chow C.C.

December 29, 2003.

EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600